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Q & A of: PETER WELKLEY  
STATE OF NEW YORK  
DEPARTMENT OF CORRECTIONS  
AND COMMUNITY SUPERVISION

\*\*\*\*\*

In the Matter

- of -

Case Number IAD/16/0444

\*\*\*\*\*

TRANSCRIPT OF PROCEEDINGS held in the  
above-entitled matter on the 12th day of  
April, 2016, commencing at 11:15 a.m. and  
ending at 11:52 a.m., at the Electric Tower,  
535 Washington Street, Suite 304, Buffalo, New  
York, before LINDSAY N. ROBEL, a Shorthand  
Reporter and Notary Public within and for the  
State of New York.

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A P P E A R A N C E S:

FOR THE INSPECTOR GENERAL'S OFFICE:

KEVIN RYAN, Assistant Deputy Chief  
Office of Special Investigations

CHRIS TIRADO, Investigator

FOR THE WITNESS:

ERIC SOEHNLEIN, Lippes Mathias Wexler &  
Friedman

ED RICE, Orleans Chief Sector Steward

JOE MIANO, Western Region Vice President

KENNY GOLD, Western Region Support Staff

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1 (Exhibit 1, e-mail March 15th, 2016; Exhibit  
2 2, e-mail March 15, 2016 9:49 a.m., were  
3 marked for identification)  
4

5 P E T E R W E L K L E Y,  
6 having been first duly sworn, was examined and  
7 testified as follows:  
8

9 MR. TIRADO: Officer Welkley, you've  
10 been called here today by the Office of  
11 Special Investigations as part of an ongoing  
12 investigation today. Before we get started  
13 today, I'm going to give you a copy of  
14 Directive 0102, which outlines your rights as  
15 a departmental employee. If you can just  
16 review and verbally state when you understand  
17 your rights.

18 MR. SOEHNLEIN: As counsel to Officer  
19 Welkley, I'll represent that we've reviewed  
20 the sum and substance of 0102 prior to today's  
21 interrogation. The officer understands he's  
22 here for a compelled interrogation and has a  
23 duty to tell the truth. We will request a

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1 copy of the transcript once it's been  
2 prepared.

3 Officer, do you understand the sum and  
4 substance of 0102?

5 THE WITNESS: Yes, I do:

6 MR. SOEHNLEIN: Thank you.

7

8 EXAMINATION BY MR. TIRADO:

9 Q. Officer Welkley, how long have you been  
10 employed by the Department of Corrections?

11 A. My seniority date is 12/5/94. I've been in  
12 almost 21 and a half years.

13 Q. Okay. And in those 21 years, what facilities  
14 have you worked at?

15 A. I worked at Sing Sing, Bedford Hills, Cayuga,  
16 Albion, Orleans.

17 Q. Okay. And how long have you been a  
18 correctional officer at Orleans?

19 A. I believe I got there in the winter of '98.

20 Q. Okay. And do you have a current job bid?

21 A. Yes, I do.

22 Q. Okay. And what bid is that?

23 A. It's called garden squad.

1 Q. Okay. Can you -- what shift is that?

2 A. Seven to three.

3 Q. Okay. Can you explain your duties?

4 A. It's got different duties. In the summer, my  
5 job is I have a crew. We have a garden there.  
6 We take care of the garden. We mow the lawns.  
7 In the winter, we remove the snow from the  
8 inner facility and on the weekends and  
9 holidays we're in the visit room.

10 Q. Okay. And how long have you held that bid  
11 for?

12 A. About five years.

13 Q. Okay. So that's just weekends and holidays  
14 you're in the visit room?

15 A. Yes.

16 Q. Okay. Do you work with any regular correction  
17 officers as partners?

18 A. Yes, I do.

19 Q. Okay. Who's that?

20 A. The lawns and grounds crew is David Wells.  
21 The garbage man is Al Tuskus and the relief  
22 for the three is Cedrick Soria.

23 Q. Okay. Officer Soria, so that means he's also

1 the visit room relief also?

2 A. Yes.

3 Q. Doing one of those three jobs?

4 A. That's correct.

5 Q. Okay. So what we're here to talk to you about  
6 today is some situations related to an inmate,  
7 George Wishart. Are you aware who Inmate  
8 George Wishart is?

9 A. Yes.

10 Q. You are? Okay. How do you know him?

11 A. I know him from the visit room. He used to  
12 have a visitor come in and visit him. That's  
13 all I know about him.

14 Q. Okay. Have you ever worked in a dorm that  
15 Inmate Wishart lived on?

16 A. No, I don't work dorms.

17 Q. Okay.

18 A. I was -- I don't recall what dorm he was on,  
19 but when the jail was locked down, we frisked  
20 different dorms. So I believe he was on one,  
21 yes.

22 Q. Okay. And when the jail was locked down, you  
23 were one of the frisking officers?

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1 A. Yes. I frisked in several dorms, yeah.

2 Q. Okay. Did you frisk in C-2 dorm?

3 A. C-2 I reported to frisk in the morning and I  
4 was there for a bit and got called off earlier  
5 in the morning to go to the store house to  
6 relieve an inmate -- or an officer who was  
7 sick and going home.

8 MR. RYAN: Reference the date.

9 BY MR. TIRADO:

10 Q. The date of the frisk, which was?

11 A. I believe that was the 16th of March.

12 Q. Okay. On that date, did you have any  
13 interactions with Inmate Wishart?

14 A. No, I did not.

15 MR. TIRADO: Okay.

16 MR. RICE: The date of the frisk wasn't  
17 the 16th.

18 MR. TIRADO: Okay.

19 MR. GOLD: It was either the 14th or the  
20 15th. The weekend was over by the 16th.

21 MR. TIRADO: Oh, okay.

22 THE WITNESS: I'm sorry.

23 MR. TIRADO: Actually, the frisk date

1 would have been 14th.

2 MR. RICE: Just clarifying.

3 THE WITNESS: I'm sorry.

4 MR. TIRADO: Thank you, Sergeant Rice.

5 BY MR. TIRADO:

6 Q. And you said you had no interaction with  
7 Inmate Wishart that day?

8 A. No, I didn't.

9 Q. Okay. So what times have you had interactions  
10 with Inmate Wishart?

11 A. The only interaction I ever had with him was  
12 in the visit room. I frisked him out one  
13 time. Sometimes my duties called me to help  
14 frisk in the -- back in one time I helped  
15 frisk him out.

16 Q. Okay. Was there any personal interaction  
17 between you two during that frisk?

18 A. No, none.

19 Q. Okay. As part of your duties as a visit room  
20 officer, do you walk the visit room?

21 A. Yes, I do.

22 Q. Okay. Do you interact with inmates that are  
23 on visits?

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1 A. Sometimes. My interaction with my job is to  
2 sit in the seat generally, watch for, you  
3 know, any undue sexual activity or passing of  
4 contraband, if something goes on, yes.

5 Q. So on a normal weekend, how many officers  
6 would actually be working the visit room?

7 A. There's two at the front desk, two in back  
8 chairs and a frisk officer.

9 Q. Okay. And where would you normally be working  
10 on those four jobs?

11 A. I am in the back.

12 Q. At the chair?

13 A. At a chair, yes.

14 Q. Okay. And you said you do walk around and  
15 interact with inmates?

16 A. If -- yeah, I mean, you know, I've been in the  
17 jail a long time. An inmate might say hi to  
18 me. I may say hi to them. Other than that,  
19 if there's, you know, something going on, I'll  
20 have to have interaction with them, but yes.

21 Q. Okay. Do you interact with inmates' visitors?

22 A. Occasionally they'll say hello, you know, and  
23 talk to me, yeah.

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1 Q. Okay. Have you ever interacted with any of  
2 Inmate Wishhart's visitors?

3 A. Yes.

4 Q. Okay. And do you know who that is?

5 A. I know what her name is now. I believe it's

6 [REDACTED].

7 Q. Okay. And who is she to Inmate Wishhart?

8 A. As far as I knew, he was a friend from high  
9 school that she knew from high school and she  
10 was visiting as a friend.

11 Q. Okay. And how often would she visit?

12 A. As far as I recollect, she was fairly steady,  
13 but she would miss some weeks, but fairly  
14 steady, I believe.

15 Q. Okay. And I mean, how often would you  
16 interact with her?

17 A. Well, it depends on, you know, generally where  
18 they are seated in the visit room, if someone  
19 is seated next to my chair, because the tables  
20 are fairly close to my chair. If they're  
21 waiting for their visitor, you know, they  
22 might say hello. They might, you know, strike  
23 up a little conversation. But other than

1 that, really nothing.

2 Q. Would you say you would go out of your way to  
3 speak to [REDACTED] [REDACTED] than any other inmate  
4 visitor?

5 A. No.

6 Q. No?

7 A. No.

8 Q. Okay. And when you did interact with Ms.  
9 Foley, what was the exchanges?

10 A. Just, you know, friendly conversation.  
11 Basically she would tell me, you know, what  
12 her situation was at home. You know, they  
13 strike up conversation. You know, and while  
14 I'm looking, she might be sitting there, you  
15 know, while I'm doing the visit room.

16 They might say, oh, geez, it was such a  
17 long ride. And, you know, if they take a long  
18 time to get down there, she'd be saying oh,  
19 what am I doing, you know, the guy is taking  
20 forever to get down here. Just, you know,  
21 general things.

22 Q. Okay. Did the conversations between you and  
23 [REDACTED] [REDACTED] ever turn personal?

1 A. Personal as far as?

2 Q. Either you or [REDACTED] [REDACTED] divulging personal  
3 information to each other.

4 A. She would divulge information as far as she  
5 had a couple of kids and she had gotten  
6 divorced a couple years ago and her mom  
7 watched the kids while she was here, you know,  
8 just general things. I never really, no.

9 MR. RYAN: Now, you referenced that you  
10 now know her name as [REDACTED] What did you  
11 reference her as before? When did you learn  
12 that her name was [REDACTED] that you said now?

13 THE WITNESS: Well, I knew her first  
14 name from being in there because she  
15 introduced herself, my name is [REDACTED] And I  
16 didn't know her name until later obviously in  
17 an e-mail.

18 BY MR. TIRADO:

19 Q. Now, you brought up e-mail. Exactly how would  
20 an e-mail exchange have started between you  
21 two?

22 A. Like I said, there was friendly conversation  
23 that she would tell me, you know, because it

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1 just so happened the way the visit room  
2 visitors were lined up, I was in my chair, she  
3 was in a table near my chair, right near my  
4 chair. So while she was waiting for her  
5 visit, she would tell me. And one day she  
6 said that she didn't think she was going to  
7 visit him anymore because he was mean to her  
8 and he took forever to come out.

9 And she asked me if I had an e-mail  
10 address. I said yes. And she -- there was --  
11 she got up. There was a piece of paper on a  
12 shelf near my chair and wrote her e-mail  
13 address down.

14 Q. Okay. What did you do with that information?

15 A. I kept the e-mail address that she gave me. I  
16 knew it was wrong. I know it was wrong, but I  
17 kept the e-mail address.

18 Q. Okay. Did you notify a supervisor or the  
19 watch commander that a visitor had given you a  
20 personal e-mail address?

21 A. No, I did not.

22 MR. TIRADO: Okay.  
23

1 BY MR. RYAN:

2 Q. Just to be unclear, unprompted she gave you  
3 her e-mail dress?

4 A. Yes. I mean, there was -- like I said, the  
5 kind of conversation I said she would tell me  
6 her kids, whatever. And she said basically  
7 oh, you know, I don't know if I'm visiting  
8 this guy. You know, geez, you're nice and  
9 wrote her e-mail down. And she asked me if I  
10 had an e-mail address. I said yes, and she  
11 wrote her e-mail address down.

12 Q. So you exchanged e-mail addresses?

13 A. No. I never gave her mine. She gave her --  
14 or she gave me hers.

15 Q. Phone numbers?

16 A. No.

17 Q. Home addresses?

18 A. No.

19 Q. Names?

20 A. No, I didn't find out her last name until it  
21 was on an e-mail.

22 Q. Thank you.

23 A. You're welcome.

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1 Q. I mean, were you surprised that this  
2 interaction between you two was taking such a  
3 personal turn?

4 A. Yeah. I mean, it was friendly. You know, was  
5 I surprised she came up and gave an e-mail,  
6 yes, I was.

7 Q. Okay. So the only communication you guys have  
8 had outside of speaking in the visit room was  
9 through e-mail?

10 A. Yes.

11 Q. Okay. Who initiated that -- those  
12 conversations?

13 A. I did.

14 Q. Okay. But if she gave you her e-mail, how are  
15 you initiating the conversation without having  
16 her e-mail? Oh, you initiated. Oh, I'm  
17 sorry. I reversed that.

18 A. Yeah, I e-mailed her.

19 Q. You e-mailed her first?

20 A. Yes, I did.

21 Q. And what did those e-mails consist of?

22 A. The first e-mail I e-mailed, I believe --

23 MR. TIRADO: You know what, I already



1 had these entered as 1 and 2.

2 MR. SOEHNLEIN: Yeah, why don't we let  
3 him see them.

4 MR. TIRADO: 1 and 2, there's two pages.  
5 Take a minute and review it.

6 MR. SOEHNLEIN: Yeah, review every word.

7 MR. GOLD: What do you have them entered  
8 into the record as?

9 MR. SOEHNLEIN: 1 and 2.

10 MR. TIRADO: Just 1 and 2.

11 MR. SOEHNLEIN: All right. You got it?

12 THE WITNESS: Yeah. But it's -- they're  
13 not correct.

14 MR. SOEHNLEIN: Well, what's not correct  
15 about this?

16 THE WITNESS: I don't -- first of all,  
17 the -- I'm not sure about the dates. I don't  
18 think the dates are correct.

19 MR. SOEHNLEIN: Okay. Can I just have a  
20 second?

21

22 (A short recess was taken)

23

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1 MR. SOEHNLEIN: I want to thank the  
2 investigators for giving us a brief recess off  
3 the record. In speaking with Exhibits 1 and 2  
4 with Officer Welkley, he acknowledges that  
5 they're an accurate reflection of his e-mail  
6 address and the e-mail address that he sent  
7 communications to. And generally speaking,  
8 it's an accurate and true snapshot of the  
9 communications.

10 However, in reviewing Exhibit 1 in  
11 particular, he doesn't believe that the dates  
12 are accurate and there's also an e-mail that  
13 is midway down the page, that's quote, "Where  
14 you been girl???", that he does not believe he  
15 sent. Obviously, we understand that your  
16 office has a subpoena out to Google and you  
17 know obviously we're not opposing that  
18 subpoena. We'll do everything that we can to  
19 assist in cooperating getting a fulsome and  
20 accurate reflection of the e-mails.

21 But we just wanted to note at this time  
22 that we don't believe that those are accurate  
23 with respect to these documents, but he does

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1 acknowledge that e-mail communication existed,  
2 and so he's prepared to answer questions with  
3 respect to these, but just understanding those  
4 reservations.

5 MR. RYAN: Given that he's -- has a  
6 different recollection of these questions or  
7 the representations on these e-mails, would  
8 you consent to a search of your home computer?

9 MR. SOEHNLEIN: Let's just talk.

10 MR. MIANO: Talk for a second.

11  
12 (A short recess was taken)

13  
14 MR. SOEHNLEIN: We can go back on. On  
15 behalf of Officer Welkley, the investigators  
16 and I have engaged in conversation off the  
17 record. We acknowledge that there is  
18 presently a subpoena out to Google for the  
19 officer's -- a complete copy of the officer's  
20 e-mail. We acknowledge that whatever that  
21 production is from Google will be a fair and  
22 accurate reflection of the e-mails and  
23 particularly the e-mails at issue in this

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1 case. We are not opposing that subpoena.

2 And so in light of that, I think we've  
3 agreed that a search of the officer's personal  
4 computer is not likely to yield any additional  
5 relevant evidence at this time, and so it's  
6 unnecessary.

7  
8 BY MR. TIRADO:

9 Q. So, Officer Welkley, you've acknowledged that  
10 these e-mails exchanges are accurate minus the  
11 February 26th "where you been girl"?

12 A. To the best of my knowledge, yes.

13 MR. TIRADO: Okay.

14 MR. GOLD: And the dates.

15 THE WITNESS: Yeah.

16 BY MR. TIRADO:

17 Q. And the dates?

18 A. Correct.

19 Q. Okay. So you stated earlier that after being  
20 given the e-mail address by Ms. [REDACTED] you  
21 initiated the conversation?

22 A. Yes, I did.

23 Q. Okay. What was the purpose of initiating that

1 conversation?

2 A. I mean, I was wrong, it was bad, judgment at  
3 the spot, just being friendly, just -- I don't  
4 know. She -- you know, she seemed down in the  
5 dumps. Just trying to make her feel better  
6 about herself, I guess.

7 Q. Okay. And you felt those things after sending  
8 the initial e-mail, that it was wrong?

9 A. Well, after the last e-mail, I felt it was  
10 wrong. That's why I didn't e-mail anymore.

11 MR. TIRADO: Okay. I don't know if you  
12 want me to put this in or not, but this is  
13 inmate --

14 MR. RYAN: Let me just --

15 BY MR. RYAN:

16 Q. How many times did you e-mail?

17 A. To the best of my knowledge, I e-mailed twice  
18 on one day and once on another day.

19 Q. Three times total?

20 A. Correct.

21 Q. And this is the only visitor that you've ever  
22 exchanged e-mail with?

23 A. Yes. It's the only one and never again.

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1 MR. RYAN: Okay.

2 MR. TIRADO: I was going to ask him some  
3 questions regarding Inmate Wishhart's  
4 grievance complaint related to this. Do you  
5 want me to enter this or can I ask him the  
6 questions off the grievance?

7 MR. SOEHNLEIN: Well, so if you want to  
8 ask him if he's aware of it, if he's seen it,  
9 things like that, that's fine. If you're  
10 going to ask him, you know, specifics about  
11 the grievance --

12 Let me ask you this: Are you aware of  
13 this grievance? Wishart.

14 THE WITNESS: I am aware now, yes.

15 MR. SOEHNLEIN: Okay. You weren't aware  
16 at the time it was made?

17 THE WITNESS: No.

18 MR. SOEHNLEIN: Have you ever reviewed  
19 it?

20 THE WITNESS: No, I haven't.

21 MR. SOEHNLEIN: All right. So why don't  
22 we try it this way: Why don't you ask him  
23 what you want to, and then in the event that

1 we need to enter it, you know, we will. But  
2 obviously he doesn't have personal knowledge  
3 of the grievance or the content of it.

4  
5 BY MR. TIRADO:

6 Q. Did you ever submit a response to the  
7 grievance?

8 A. No, I didn't know it existed, no. Until  
9 after, no, I had no idea.

10 Q. How did you find out the grievance existed?

11 A. Talking to -- you know, after I was on  
12 administrative leave, out, you know, officers  
13 are calling me, you know, to be friendly  
14 saying good luck and that and I did find out  
15 in the process of that that, you know, he had  
16 filed or was going to file a grievance,  
17 something like that.

18 Q. Okay. I mean, basically these are going to be  
19 yes or no answers.

20 A. Okay.

21 Q. Through correspondence with [REDACTED] Inmate  
22 Wishart compiled this grievance of things that  
23 she said transpired between the two of you in

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1 the visit room at Orleans Correctional  
2 Facility.

3 Have you ever told Ms. [REDACTED] that she  
4 looked sexy in the visit room?

5 A. No.

6 Q. Okay. Have you ever asked to take her to  
7 lunch?

8 A. No.

9 Q. Have you ever questioned her for visiting an  
10 inmate?

11 A. No. She would state that, you know, she  
12 didn't know what she was doing, she didn't  
13 know if she was going to visit him. It was  
14 just a friend from high school. I said you  
15 have to -- you know, you've got a kid, you've  
16 got a job, you've got to decide whether this  
17 is right for you or not.

18 MR. TIRADO: Okay.

19 MR. RYAN: In reference to what; that  
20 she shouldn't visit an inmate?

21 THE WITNESS: Well, the fact that she  
22 informed me that her 70-year-old mother had to  
23 watch kids and she had to drive three hours to

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1 visit a guy from high school, and that was  
2 about it.

3 MR. RYAN: Okay. Thanks.  
4

5 BY MR. TIRADO:

6 Q. Did you ever imply to her you thought she was  
7 too good to be visiting inmates?

8 A. Not to my recollection, no.

9 Q. Okay. Have you ever noticed Ms. [REDACTED] not in  
10 the visit room and approached another visitor  
11 to ask if she was coming that day?

12 A. No.

13 Q. Or where she was?

14 A. No.

15 Q. Okay. I'd like to go back to the 14th, which  
16 was the day the facility was shut down and the  
17 dorms were frisked. You said you did frisk  
18 some dorms but had no contact with Inmate  
19 Wishart?

20 A. Correct.

21 Q. Okay. Were you aware that Inmate Wishart was  
22 taken to the SHU that day?

23 A. After the fact I was aware, after I got off

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1 because I wasn't in the area, I wasn't around.

2 Q. Okay. Were you aware that a response was  
3 called to C2 dorm?

4 A. Yes.

5 Q. Okay. And you did not respond to that?

6 A. No, I didn't.

7 Q. Okay. Are you aware if Officer Soria  
8 responded to that dorm?

9 A. I didn't -- I assume he responded. He was at  
10 the frisk area when I left, so...

11 Q. Okay. Is Officer Soria aware of the  
12 situation, the e-mail exchanges between  
13 yourself and Ms. [REDACTED]

14 MR. SOEHNLEIN: At what point in time?

15 BY MR. TIRADO:

16 Q. At any time.

17 A. We have spoken afterwards and, you know, in  
18 the conversation after I was locked out or --  
19 well, on administrative leave, yes, because he  
20 inquired and I told him.

21 Q. Okay. So the date of Inmate Wishart's SHU  
22 admission, which was March 14th, on that day  
23 was Officer Soria aware of the personal

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1 exchange between you and Ms. Foley?

2 A. No, he was not.

3 Q. Okay. Are you aware that Officer Soria was  
4 personally involved in the incident with  
5 Inmate Wishart and co-signed his misbehavior  
6 report?

7 A. I -- after speaking to him after I was out, he  
8 said that, yes, he was involved with a removal  
9 of this inmate.

10 Q. And is that at that time you informed him of  
11 the situation with Ms. [REDACTED]

12 A. No, I believe it was before that, because he  
13 -- you know, they asked me what was going on  
14 and I said I e-mailed this visitor and that  
15 was it.

16 MR. TIRADO: Okay.

17  
18 BY MR. RYAN:

19 Q. The inmate, Wishart, had gone through informal  
20 channels to try to resolve this prior to  
21 filing a grievance or contemplating the  
22 grievance or his later assault on 3/14. The  
23 last e-mail - and I know the dates are in

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1 question - were the end of February and then  
2 we have about a three-week period where the  
3 frisk occurs.

4 The inmate indicated to us that he had  
5 gone to other corrections officers and tried  
6 to informally resolve this issue with you.  
7 Your testimony now is you were not aware of  
8 that?

9 A. No, I was not aware of.

10 Q. Okay. Thank you. Would any other officers  
11 know of your interaction with the inmate's  
12 visitor?

13 A. No.

14 Q. Did you share that information?

15 A. No, with no one.

16 Q. So on 3/14, when the facility is under a  
17 frisk, there's a two-man fight in the dorm  
18 that Inmate Wishart is in. Did you respond to  
19 that two-man fight?

20 A. No, I didn't.

21 Q. Twenty officers responded. You were not one  
22 of them?

23 A. No, I was not in that area.

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1 Q. Okay. Where were you?

2 A. I was in the storehouse.

3 Q. Okay.

4 MR. GOLD: He talked about that earlier.  
5 He said where he was.

6 MR. RYAN: Thank you.

7 BY MR. RYAN:

8 Q. What time -- are you aware of what time the  
9 fight occurred?

10 A. No, I'm not aware.

11 Q. Okay. The fight occurred approximately 10:30  
12 to 11 a.m.

13 A. Okay.

14 Q. And your testimony is you were in the  
15 storehouse at that time?

16 A. Yes, I was.

17 Q. What were you doing?

18 A. An officer had gotten sick earlier that was  
19 watching the storehouse because we had --  
20 you've got inmates working in the storehouse  
21 with the storehouse civilians and she went  
22 home sick. I relieved her and watched the  
23 inmates and, you know, security over there.

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1 MR. RYAN: Okay.

2

3 BY MR. TIRADO:

4 Q. Were you aware at any point if Ms. [REDACTED]  
5 informed Inmate Wishart that there was an  
6 exchange between you two through e-mail?

7 A. No.

8 Q. You're not sure?

9 A. No, I had no idea that he had any knowledge of  
10 it.

11 Q. Okay, okay. You do understand that that  
12 brings a high level of a security risk to the  
13 facility particularly for yourself, if that --  
14 if an inmate obtains that knowledge and what  
15 his reaction might be is very unpredictable;  
16 do you understand what I'm trying to say to  
17 you?

18 A. Yes, I understand.

19 Q. You put yourself in a very dangerous position  
20 is what I'm saying. Humans in general can be  
21 very unpredictable. So what Inmate Wishart  
22 could have or may have done in a reaction to  
23 finding out that there was a personal exchange

1           between you and whatever they were as far as  
2           title, it could have been a very dangerous  
3           spot for yourself or maybe other officers.

4           A. What I did was wrong. E-mailing this woman  
5           was wrong. I agree with that.

6           Q. So, I mean, looking back now, would you have  
7           done anything different?

8           A. Of course. I would have never taken her  
9           e-mail address. I would have never e-mailed  
10          her, of course.

11

12          BY MR. RYAN:

13          Q. The question that remains outstanding - and I  
14          appreciate your candor and your error in  
15          judgment and, you know, it's unfortunate, but  
16          it is what it is - but the question that still  
17          remains outstanding is: Soon after the  
18          incident in the C-2 dorm, Inmate Wishart was  
19          interviewed by Investigator Tirado. And one  
20          of his initial statements to Investigator  
21          Tirado was that this assault occurred because  
22          of your conduct with his visitor.

23                 He was assaulted in his view by other

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1 correction officers; meaning, that he was  
2 aware and made that concern to other  
3 corrections officers and that you were aware  
4 of the fact that this had occurred; meaning,  
5 other correction officers knew of your  
6 interaction with his visitor.

7 A. Well --

8 MR. SOEHNLEIN: There's not a question.  
9 Wait for a question.

10 Q. Again, Officer -- Inmate Wishart contends that  
11 he was assaulted because of this interaction.

12 MR. GOLD: Allegedly.

13 Q. Did you share that information with any other  
14 correction officers?

15 A. No, I didn't.

16 MR. RYAN: Okay. Thank you.

17 THE WITNESS: You're welcome.

18 MR. TIRADO: All right. Can we take one  
19 second?

20 MR. SOEHNLEIN: Yeah, of course.

21  
22 (A short recess was taken)  
23

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1 MR. TIRADO: Back on. At this time, we  
2 would like to conclude. We don't have any  
3 further questions.

4 Officer Welkley, is there anything you  
5 would like to add before we conclude here?

6 THE WITNESS: No, just that I was wrong  
7 in the e-mails and that's it.

8 MR. TIRADO: Okay. Thank you.

9 THE WITNESS: Thank you.

10

11 (Concluded at 11:52 a.m.)

12 \* \* \* \* \*

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1 STATE OF NEW YORK)

2 ) ss.

3 COUNTY OF ERIE )

4 I, Lindsay Nicole Robel, Notary Public, in  
5 and for the County of Erie, State of New York,  
6 do hereby certify:

7 That the witness whose testimony appears  
8 hereinbefore was, before the commencement of  
9 their testimony, duly sworn to testify the  
10 truth, the whole truth and nothing but the  
11 truth; that said testimony was taken pursuant  
12 to notice at the time and place as herein set  
13 forth; that said testimony was taken down by  
14 me and thereafter transcribed into  
15 typewriting, and I hereby certify the  
16 foregoing testimony is a full, true and  
17 correct transcription of my shorthand notes so  
18 taken.

19 I further certify that I am neither counsel  
20 for nor related to any party to said action,  
21 nor in any way interested in the outcome  
22 thereof.

23 IN WITNESS WHEREOF, I have hereunto  
subscribed my name and affixed my seal this  
24 26<sup>th</sup> day of April, 2016.

25 Lindsay Robel  
26 Lindsay Nicole Robel  
27 Notary Public  
28 No. 01TR6249119  
29 State of New York, County of Erie  
30 My Commission Expires 10/03/2020

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